

UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON

MOHAMAD FARSI,

Plaintiff,

v.

STERLING JEWELERS, INC.,

Defendant.

No. CV 07-131-PK

OPINION AND ORDER

**MOSMAN, J.,**

On May 21, 2007, Magistrate Judge Papak issued Findings and Recommendation ("F&R") (# 21) in the above-captioned case recommending defendants' motion to stay (#9) be GRANTED. Plaintiff filed timely objections on June 4, to which defendants responded on June 17.

The magistrate judge only makes recommendations to the district court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge, but retains responsibility for making the final determination. Where objections have been made, I usually apply *de novo* review. 28 U.S.C. § 636(b)(1)(C). However, where objections are made on non-dispositive pretrial findings I conduct a *clearly erroneous* review. 28 U.S.C. § 636(b)(1)(A). These objections fall under the latter category. I am not required to

review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the F&R to which no objections are made. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003).

Upon review of plaintiff's objections, I agree with Judge Papak's analysis and recommendation. Thus, I ADOPT the F&R as my own opinion. This action is STAYED pending arbitration. Defendant is directed to inform the court whether it is now seeking dismissal.

IT IS SO ORDERED.

DATED this 9th day of August, 2007.

/s/ Michael W. Mosman  
MICHAEL W. MOSMAN  
United States District Court